



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BROOKLYN BOTTLING OF MILTON, NEW
YORK, INC.,

Plaintiff,

-against-

ECUABEVERAGE CORP.,

Defendant.

SUMMARY ORDER

07 Civ. 8483 (AKH)

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ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant Ecuabeverage Corp. moves for partial summary judgment on Counts I, II, and VI of plaintiff's Amended Complaint, pursuant to Fed. R. Civ. P. 56(e). Counts I and II are plaintiff's trademark infringement claims under the Lanham Act, 15 U.S.C. § 1114. Count VI is plaintiff's prohibited importation claim under the 1930 Tariff Act, 19 U.S.C. § 1526. On September 3, 2008, the parties appeared before me for oral argument. For the reasons stated on the record, the motion is denied. The Clerk shall mark the motion (Doc. #18) as terminated.

Defendant's motion for sanctions is also denied. The Clerk shall mark the motion (Doc. #34) as terminated.

The parties are directed to submit a letter to the Court, pursuant to my Individual Rule 2(e), proposing a date for a status conference before the Court within 30 days after the close of discovery.

SO ORDERED.

Dated: September 4, 2008
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge